

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

HERSHEL RODNEY NUZUM,)	
)	8:05cv335
Plaintiff,)	
)	MEMORANDUM AND ORDER
vs.)	
)	
SUN CHLORELLA,)	
)	
Defendant.)	

This matter is before the court on filing no. 28, the Motion for Stay of Discovery Proceedings filed by the plaintiff, Hershel Rodney Nuzum. The plaintiff filed this action against "Sun Chlorella" for damages and to stop the importation into this country of the product Chlorella tablets.

In filing no. 28, the plaintiff moves to stay discovery and to continue the planning conference in this action until another case in this court, Case No. 4:06cv3024, Nuzum v. State of Nebraska, "has settled." For many reasons, the motion is denied. First, there is no connection between the two cases except that the plaintiff filed both. Second, no party is required to settle a case, and there is generally no reason to anticipate that a party will do so. Third, and most important, judgment has been entered in Case No. 4:06cv3024 in favor of the defendants and against the plaintiff, and thus, there exists no prospect of a settlement. The above-entitled case cannot be delayed indefinitely for no reason.

The planning conference set for July 31, 2006 will be held as scheduled. During the conference, the matters to be discussed will include filing no. 26, the Motion to Dismiss filed by Sun Chorella Corporation. That defendant contends that the plaintiff has served Sun Chorella USA with process but not Sun Chorella Corporation. In addition, in filing no. 28, the plaintiff complains that the answers to his interrogatories and questions in the Planning Conference Report have not been properly answered by the defendant(s). The plaintiff may wish to clarify those matters at the July 31 conference.

Therefore, filing no. 28 is denied; discovery is not stayed, and the July 31, 2006 conference is not postponed. Failure to appear at the conference may result in sanctions.

SO ORDERED.

DATED this 10th day of July, 2006.

BY THE COURT:

s/ F. A. GOSSETT
United States Magistrate Judge